

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

DAVID SIDOO, *et al.*,

Defendants.

Crim. No. 19-cr-10080-NMG-MPK

**FINAL STATUS REPORT**

Pursuant to Local Rule 116.5(c), the parties hereby file the following status report prepared in connection with the Final Status Conference on May 5, 2020.

(1) **Whether the Defendants Request Transfer of the Case for a Rule 11 Hearing**

At this time, no defendant is requesting a transfer to the district court for a Rule 11 hearing.

(2) **Whether, Alternatively, the Parties Move for a Pretrial Conference Before the District Court**

A pretrial status conference before the district court is currently scheduled for July 28, 2020 at 3:00 p.m.

(A) **Status of Discovery**

On or before May 5, 2020, the government will produce any remaining materials set forth in the status report filed on April 9, 2020 (*see* Dkt. 1071, as modified by the Court during the April 9, 2020 status conference). To the extent the government acquires additional materials after May 5, 2020 that are required to be produced under Local Rule 116.2(b)(2), the government will produce those forthwith. Defendants proceeding to trial commencing on or about September 29, 2020 have agreed to provide reciprocal discovery on or before July 17, 2020 (Dkt. 929).

(B) Discovery Requests and Motions

On April 17, 2020, Defendant Abdelaziz filed a motion to compel the government to produce (i) all of William “Rick” Singer’s telephone calls on or after September 27, 2018; (ii) all of Singer’s email communications on or after September 29, 2018; and (iii) all discoverable materials taken from extractions of Singer’s Apple iPhone 7+, Dell computer, Mac laptop, LG phone, and Apple Watch. The parties believe that this motion is now moot because the government has indicated that it will produce the requested materials. The government will file a brief response, noting this, by Friday, May 1, 2020.

Defendants have indicated that they may have further discovery motions after reviewing the government’s productions through May 5, 2020. The government is committed to resolving any remaining discovery disputes. Per the Court’s order at the April 9, 2020 status conference, Defendants will file any remaining discovery motions by May 22, 2020, and the government will have until June 5, 2020 to respond.

(C) Fed. R. Crim. P. 12(b) Motions

Defendants filed 18 motions under Fed. R. Crim. P. 12(b) on March 31 and April 1, 2020.<sup>1</sup> The government will file its oppositions to eight of those motions on April 30, 2020. The government will file an omnibus response to the remaining motions on or before May 8, 2020. Dkt. 1129. The defendants’ replies are due on May 15, 2020. The defendants will seek leave to file replies to the May 8 filing only on or before May 24.

(D) Excludable Delay

The 70-day period specified in 18 U.S.C. § 3161(c)(1) commenced on April 3, 2019 as to the Colburn Defendants, and April 9, 2019 as to the remaining Defendants. In Orders entered

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<sup>1</sup> The Colburn motion to dismiss was filed in April 2019.

March 18, 2019, April 3, 2019, April 9, 2019, April 29, 2019, June 3, 2019, October 2, 2019, and January 17, 2020, the Court has excluded all time between March 15, 2019 and May 5, 2020 under the Speedy Trial Act. *See* Dkts. 25, 124, 129, 370, 394, 577, & 745.

The parties have conferred and ask that the Court exclude the period of time from the time of the final status conference on May 5, 2020 to the time of the scheduled July 28, 2020 pretrial conference, under 18 U.S.C. § 3161(h)(1)(D), while Defendants' motions to dismiss and suppress are pending, and 18 U.S.C. § 3161(h)(7)(A), to permit Defendants time to review discovery, confer with their respective counsel, and prepare for trial. The ends of justice served by this exclusion outweigh the interests of the public and each Defendant in a speedy trial.

(E) Estimated Number of Trial Days

The Government currently estimates that its case-in-chief would take approximately three to six weeks, assuming three-quarter-day sessions.

**(3) Other Matters Particular to the Case**

(A) Whether Any Defendant Intends To Raise a Defense of Insanity or Public Authority

No Defendant intends to raise a defense of insanity or public authority.

(B) Timetable Regarding Expert Disclosures

The government will provide any expert witness disclosures 90 days prior to trial, and the Defendants will provide any expert witness disclosures 60 days prior to trial. Rebuttal experts should be noticed 30 days prior to trial.

Respectfully Submitted,

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**CERTIFICATE OF SERVICE**

I, Eric Rosen, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on May 1, 2020.

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